## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE licant: D. Levendowski et al. I hereby certify that this paper and the attached papers are Serial No.: 10/040,937 being deposited with the United States Postal Service as first class [Priority] mail in an envelope addressed to U.S. Patent and Trademark Office, PO Box 2327, Arlington, VA 22202, Filed: December 28, 2001 on this date: Conf. No.: 3784 II lakello Mele 4/23/02 Michelle Melendez Date Group Art Unit: 2171 SLEEP APNEA RISK EVALUATION

TRANSMITTAL LETTER

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US Patent and Trademark Office PO Box 2327 Arlington, VA 22202

**Technology Center 2100** 

Sir:

Transmitted-herewith-is-a-Preliminary-Amendment for filing-in-connection-with-theabove-identified application. Because this Preliminary Amendment is filed prior to receipt of a first office action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 50-1213, as stated below:

The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,

HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:

Registration No. 32,233

Attorney Docket No.: 38461-6098 Address all correspondence to:

David A. Hall

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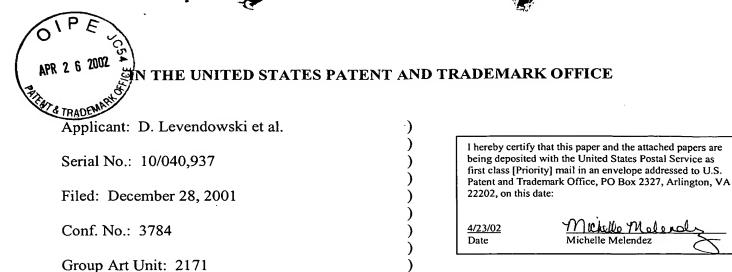
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PRELIMINARY AMENDMENT

U.S. Patent and Trademark Office PO Box 2327 Arlingtion, VA 22202

Sir:

For:

Preliminary to the examination of the above-captioned application, please amend the application as follows:

## **IN THE SPECIFICATION**

Please amend the specification as follows:

SLEEP APNEA RISK EVALUATION

## After the title at page 1, line 1, please insert the following paragraphs:

## REFERENCE TO PRIORITY DOCUMENT

This application claims priority to U.S. Provisional Application Serial No. 60/259,397 entitled "System and Method for Evaluating Apnea Risk" by Westbrook *et al.*, filed December 29, 2000 and U.S. Provisional Application Serial No. 60/304,391 entitled "Sleep Apnea Risk Evaluation" by Levendowski *et al.*, filed July 9, 2001. The disclosures of these Provisional Patent Applications are hereby incorporated by reference.